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REMARKS/ARGUMENTS

The claims have been amended as set forth above. Applicants assert that they are allowable as more fully set forth below. Reconsideration and removal of the finality of the Office Action is respectfully solicited.

I.   Examiner Amendment dated January 10, 2007

An Interview with Examiner Tran was held on January 10, 2007. During that interview, that claim feature "automatically changing the received value to a value within the predetermined range of permitted values of the bounding formula when the received value is outside the predetermined range of permitted values of the bounding formula" was discussed. Applicants believe that an agreement was reached that the above feature is not render obvious by the cited reference. Also, Examiner Tran stated that the feature "range" may be rendered indefinite under 35 U.S.C. 112 and Examiner Tran suggested amending the claims to include the feature "permitted." Applicants have done so. After a second communication with Examiner Tran, Examiner Tran suggested further changes to claim 1 to highlight a few features of the disclosure. More specifically, the features of claims 30 and 31 have been include in independent claim 28. Applicants have also made those changes. Applicants believe that the claims do not require further searching. If Examiner Tran does determine that a further search is required, applicants request that the finality of the action be removed.

II.   Rejection of Claims 28-54 Under 35 U.S.C. 103(a)

Claims 28-54 are rejected under 35 U.S.C. 103(a) as being anticipated by Non-patent Literature Microsoft Excel 2000 (as described in the book "Using Microsoft Excel 2000", by Angie Wethington, published by Que corporation, May 1999, pages 545-549, (hereinafter "Exel"). Independent claim 28 includes the following combination of elements not taught or suggested by the cited reference:

> *"associating a bounding formula with an application cell,* wherein the bounding formula includes *a predetermined range of permitted values"*

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> *wherein the bounding formula includes at least one member of a group comprising: a type argument, a bound maximum argument, and a bound minimum argument,*
>
> *wherein the type argument includes at least one member of a group comprising: a range of permitted values associated with an inclusive bound type argument, and a range of permitted values associated with an exclusive bound type argument*

"receiving a value associated with the application cell"

"determining whether the received value is *within the predetermined range of permitted values of the bounding formula*"

"permitting the received value when the received value is within the predetermined range of permitted values of the bounding formula"

"automatically changing the received value to a value within the predetermined range of permitted values of the bounding formula when the received value is outside the predetermined range of permitted values of the bounding formula"

Applicants assert that the above combination of features is not taught or suggested by Excel. Applicants have include the features suggested by Examiner Tran as set forth above. Also, he Office Action acknowledges that "Excel does not expressly teach automatically changing the received value to a value within a predetermined range of permitted values of the bounding formula when the received value is outside the predetermined range of permitted values of the bounding formula." *Office Action*, at pg. 4. The Office Action, however, asserts that such a feature would be obvious because Excel teaches overcoming the problem in the art of a user entering erroneous data.

Applicants respectfully disagree. There is nothing in Excel that discloses or suggests the above feature. Excel teaches an auxiliary validation process. Excel further teaches that "[w]ith this feature, you also decide how you want Excel to respond to noncompliance: Display an error message and refuse the entry? Accept the incorrect entry but warn the user that it's problematic?" Here, Excel teaches a solution to a problem. The solution includes an error message or refusing an entry. If the feature of claim 28 is obvious, it would have been included

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in Excel. Simply refusing the entry or providing a warning message is very different than bounding a cell with a formula that can change an entry to a valid entry.

The Office Action is using impermissible hindsight to reconstruct claim 28. Impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. *MPEP* § 2142. Excel does not discuss, mention or allude to a bounding formula that can automatically change a received value. If the Office Action continues to rely on an unsupported contentions, applicants respectfully request the Examiner provide support. *See In re Zurko*, 258 F.3d 1379, 59 U.S.P.Q.2d 1693 (Fed. Cir. 2001)(holding that the USPTO must point to some concrete evidence in the record to support core factual findings in a determination of patentability); *Memorandum by Stephen G. Kunin*, Deputy Commissioner for Patent Examination Policy (February 21, 2002)(stating that it is never appropriate to rely on common knowledge without evidentiary support as sole or principle evidence on which to base rejection; 37 C.F.R. §1.104 (providing that when a rejection in an application is based on facts within the personal knowledge of an Examiner, the data should be stated as specifically as possible, and *the facts must be supported*, when called for by the application, by an affidavit from the Examiner); MPEP § 2144.03 (providing that the Examiner may only take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art and, if the Applicant traverses such an assertion, the Examiner should cite a reference in support of his or her position.).

There is no teaching or suggestion of "a bounding formula" or "automatically changing the received value to a value within the predetermined range of permitted values of the bounding formula when the received value is outside the predetermined range of permitted values of the bounding formula." Accordingly applicants assert that independent claim 28 is allowable. Independent claim 38 includes the following combination of elements not taught or suggested by the cited reference:

> "*binding an object with the object bounding formula*, wherein the object bounding formula includes *a predetermined range of permitted values*, wherein *the object is bound by the predetermined range of permitted values*"

> "receiving a value associated with the object"

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"determining whether the value is *within the predetermined range of permitted values of the object bounding formula*"

"permitting the received value when the received value is within the predetermined range of permitted values of the object bounding formula"

"*automatically changing the received value to a closest value within the predetermined range of permitted values when the received value is outside the predetermined range of permitted values*"

Applicants rely on the arguments set forth above in support for independent claim 38. There is no teaching in the references of a bounding formula. Also, there is no teaching of "automatically changing the received value to a closest value within the range of permitted values when the received value is outside the range of permitted values." Independent claim 47 includes the following combination of elements not taught or suggested by the cited reference:

"a memory having computer-executable instructions associated therewith, wherein the computer-executable instructions are configured to"

"provide a spreadsheet cell for receiving a value"

"*bind the spreadsheet cell with a cell bounding formula*, wherein the cell bounding formula includes *a predetermined range of values* associated with *a bounding class*"

"receive a value associated with the spreadsheet cell"

"*apply the received value to the cell bounding formula* to determine *whether the received value is associated with the predetermined range of values associated with the bounding class*"

"automatically permit the received value when the received value is associated with the predetermined range of values associated with the bounding class"

"*automatically change the value to a closest value of the predetermined range of values associated with the bounding class when the received value is not associated with the predetermined range of values associated with the bounding class*"

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Applicants rely on the arguments set forth above in support for independent claim 47. With regard to claim 34, claim 34 recites "wherein automatically changing the received value to a value within the predetermined range of permitted values includes automatically changing the received value to a value within the predetermined range of values that is closest to the received value." Applicants cannot find a teaching or suggestion of such a feature in Excel. The Office Action makes a blanket statement that the feature is obvious without providing any proof. The Office Action is using impermissible hindsight to reconstruct claim 34. Applicants respectfully request a showing of proof.

Claims 37 and 46 recite an "exclusive type argument" and claim 54 recites an "exclusive bounding class." Such features are not discussed in any manner in Excel. The Office Action does not mention or discuss these features in view of Excel. The Office Action makes a blanket statement that the features are obvious without providing any proof. The Office Action is using impermissible hindsight to reconstruct the claims. Applicants respectfully request a showing of proof.

With regard to the dependent claims, those claims include elements not taught or otherwise suggested by the cited reference. Moreover, the dependent claims ultimately depend from independent claims 28, 38 and 47, respectively. As such the dependent claims are thought allowable for at least the same reasons set forth for the independent claims.

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III.   <u>Request for Reconsideration</u>

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.

Ryan T. Grace
Registration No. 52,956
Direct Dial: 206.342.6258

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200

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